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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,598	06/23/2000	Kagumi Moriwaki	018775-794	1464

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EXAMINER

SHERALI, ISHRAT I

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/599,598

Applicant(s)

MORIWAKI, KAGUMI

Examiner

Sherali Ishrat

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## ***Response to Amendment***

1. This action in response to Applicant's amendment and arguments filed on filed on 8/10/2005.

Applicant's arguments are fully considered however they are not persuasive with respect to art rejection. See the details in the remarks section.

## ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3 Claim 1, 3-6, 8-12, 14-17, 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (US 6,097,836) in view of Fukushima et al (US 5,940,530).

As to claim 10, Inoue discloses an image processing method comprising (FIG.

1):

analyzing image data to determine a scene (e.g., red fog in snow scene) of the image (figs. 1 and 6, col. 10, lines 1-19, col. 8, lines 62-col. 9, line 10, col. 13, lines 30-39),

displaying the scene of the image data (601) and a first type correction parameter (fig. 1, and fig. 6, correct pattern) in correspondence to the scene in a screen of a display device (col. 10, lines 1-8 note: correction amount for correcting color fog),

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setting a second type correction parameter (fig. 6, correct amount) in the screen of the display device by a user (col. 10 lines 48-57 and col. 10, lines 20-25 note: correction amount highlight shadow correction) and

correcting image data with the alternative type correction parameter when the user sets the alternative type of correction parameter (col. 1, lines 1-8 and 43-57, col. 13 lines 30-39, col. 8, lines 18-21, Figure 6 shows correction parameter specifying device for use in the embodiment i.e. Inoue can correct image with alternate correction parameter by specifying using graphical user interface shown in fig 6).

Inoue does not disclose automatically determining a scene or setting the correction parameters because Inoue teaches using a person to designate a scene and set the parameters. However, using a controller or device to determine a scene automatically and then correct it is well known in the art.

Fukushima, in an analogous environment, discloses using a controller or a device for automatically scene determination (fig. 1, 106) and after determined the scene, then to automatically correcting the scenes with correction parameters (fig. 1, 107) (col. 13, line 18-col. 14 line 26).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Fukushima in the Inoue's system in order to automatically detect the scenes to be corrected and using correction parameters to automatically correct the detected scenes so as to achieve better corrected images.

As to claims 1, 12 and 21, the claims are the corresponding image processor (the

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whole combined system can be viewed as an image processor) and computer readable storage medium and image processor claims to claim 10. The discussion are addressed with regard to claim 10.

As to claim 11 Inoue discloses an image processing method comprising:  
analyzing image data to determine a scene (e.g., red fog in snow scene) of the image (figs. 1 and 6, col. 10 lines 1-19, col. 8 line 62-col. 9, line 10, col. 13, lines 30-39, also see argument above),

correcting image data automatically with a correction parameter in correspondence to the scene of the image data (col. 1 lines 1-8 and 43-57, col. 13 lines 30-39), and

displaying the scene of the image data in a screen after image data have been corrected (fig. 1, 90, col. 10 lines 1-15, note that the displaying is inherent because the corrected image data is sent to output image buffer and only CRT is disclosed in Inoue).

As to claims 5 and 16, the claims are the corresponding image processor and computer readable storage medium and image processor claims to claim 10. All the elements are discussed with regard to claim 10

As to claims 4, 6, and 15, Inoue discloses the corrected image data displayed (fig. 1, 90, col. 10 lines 1-15, note that the display is inherent because the corrected image data is sent to output image buffer, see also argument above).

As to claims 3, 8, 14, and 19, Inoue further discloses the first correction parameter in correspondence to the scene and correction parameters not correspondence to the scene are displayed in the screen (fig. 6, note that the parameter

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amounts are set by the user).

As to claims 22-28, Inoue further discloses one of image data is color fog, backlight etc. (fig. 1 and 5, col. 10 lines 49-53).

4. Claims 2, 7, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Inoue and Fukushima in view of Bar et al. (US 5,506,946) reference of record).

As to claims 7 and 18, the combination of Inoue and Fukushima does not disclose the cancel function which is well known in the art.

Bar, in an analogous environment, discloses the "ureset" function which cancels the setting of correction parameters (fig. 7, 732, col. 13, lines 56-57).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of Bar in the Inoue's system in order to easily achieve undo or cancel effects on the input correction parameters.

As to claims 2, and 13, Inoue does not disclose setting a correction parameter as default parameter. However, the Examiner takes Official Notice that the feature is well known in the art.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the scheme of default parameter order to easily achieve to set the input correction parameters in the Inoue's system.

### **Remarks**

5. Applicant argues the following in the argument filed on 8/10/2005:

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Neither references discloses or suggest displaying both a determined scene and a correction parameter that result from an analysis of the image data

Examiner disagree with Applicant that claim language recites displaying both a determined scene and a correction parameter that result from an analysis of the image data. Claim does not recite displaying correction parameter that result from an analysis of image data. Claim recites a display device which displays the scene of image data and the first type of correction parameter that corresponds to the scene. Inoue shows in Fig. 6 graphical user interface which displays the scene, and correction parameter such "green fog in fluorescent light" and amount of correction 0-100. There is no recitation or suggestion in the claim displaying the correction parameter that result from an analysis of the image data.

Applicant arguments are not supported by the claim language. Examiner therefore can not avoid the prior art.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Communication***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherali Ishrat whose telephone number is 571-272-7398. The examiner can normally be reached on 8:00 AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ishrat Sherali

  
JOSE L. GARCIA  
PRIMARY EXAMINER

November 11, 2005